IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 16474 of 1994

Between:

1.Banoth Joda, S/o. Narayana. Fathepur Village, Ghanpur (Stan) Mandal, Warangal District.
2.Banoth Kamal Singh, S/o. Joda. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
3.Banoth Raju, S/o. Joda. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
4.Banoth Narayana, S/o. Joda, Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
5.Kondam Raghavan Reddy, S/o. Venkat Reddy. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
6.Vadluri Venkataiah, S/o. Kistaiah. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
7.Vadluri Laxminarayana, S/o. Kistaiah. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
8.Vadluri Brahmachary, S/o. Kistaiah. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
9.Vadluri Narsaiah, S/o. Kistaiah. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.
10. Vadluri Venkata Swamy, S/o. Narayana. Fathepur Village, Ghanpur (Stan) Mandal, Warangal.

..... PETITIONERS

AND

1.The Land Acquisition Officer and Mandal Revenue Officer, Ghanpur (Stn), Warangal District.
2.The District Collector, Warangal.
3.The Executive Engineer (I.P.),Division, Warangal.
4.The Govt. of A.P., Rep.by the Principal Secretary, Irrigation and Command Area Development (Irr-IV) Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not passing award and paying compensation to the lands of the petitioners in respect of the notification under section 4(1) of the Land Acquisition Act published in A.P. Gazette No.Wg1/LA/82/92 dated 14/07/1992 and consequently direct the respondents to pass award and pay compensation to the lands of the petitioners in respect of the notification under section 4(1) of the Land Acquisition Act published in A.P. Gazette No.Wg1/LA/82/92, dated 14/07/1992.

Counsel for the Petitioners: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a writ of Mandamus declaring the action of the respondents in not passing award and paying compensation to the lands of the petitioners in respect of the notification under Section 4(1) of the Land Acquisition Act published in A.P. Gazette No.Wg1/LA/82/92, dated 14.07.1992 as illegal and arbitrary and consequently direct the respondents to pass award and pay compensation to the lands of the petitioners in respect of the above said notification.

The petitioners submit that the third respondent herein has filed a requisition on 22.06.1988 for acquisition of the lands of the petitioners and others bearing Survey Nos.906, 907 and 908, to an extent of Ac.14.09 guntas, situated at Fathepur village, Ghanpur (Stn) Mandal, Warangal District for construction of Check Dam across Marrigoni Vaagu at Fathepur village and before giving that requisition itself, possession of the lands of the petitioners was taken over by the respondents in advance on 25.10.1987 and handed over to the concerned department and construction of Check Dam across the Marrigoni Vaagu was completed long back. In that regard, a Notification under Section 4(1) of the Land Acquisition Act was published in A.P.Gazette No.Wg1/LA/82/92, dated 14.07.1992 acquiring the lands of the petitioners and others. But, so far, no award has been passed and no compensation has been paid to the petitioners though the possession of the land was taken over about 7 years back. The action of the respondents in not passing any Award and in not paying compensation is highly arbitrary, and illegal.

When the matter came up for hearing, the learned Government Pleader appearing on behalf of the respondents placed affidavit filed in Contempt Case No.101 of 1995 before this Court and submitted that an Award has been passed on 31.03.1995 and an amount of Rs.1,87,487.00 has been paid to the awardees on 17.04.1995 by

cheque bearing No.930808, dated 04.04.1995.

In view of the same, no furthers orders are required to be passed in this Writ Petition. Hence, the Writ Petition is closed. No costs.

15th July, 2004

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To

1 The LAnd Acquisition Officer and Mandal Revenue Officer, Ghanpur (Stn), Warangal.
2 District Collector, Warangal.
3 Executive Engineer (I.P.),Division, Warangal.
4 The Govt. of A.P., Rep. Principal Secretary, Irrigation and Command area Development (Irr-IV) Dept., Secretariat, Hyderabad.

5. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

6. Two CD copies.